

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 20-

v. : DATE FILED: \_\_\_\_\_

KYLE PAINE : VIOLATIONS:  
: 18 U.S.C. § 2422(b) (use of an interstate  
commerce facility to entice a minor, and  
attempt to entice a minor, to engage in  
sexual conduct – 1 count)  
: 18 U.S.C. § 1470 (transfer and attempted  
transfer of obscene material to a minor –  
1 count)  
: 18 U.S.C. § 2252(a)(4)(B), (b)(2)  
(possession of child pornography – 1  
count)  
: Notice of forfeiture

INDICTMENT

COUNT ONE

**THE GRAND JURY CHARGES THAT:**

On or about March 11, 2019 through on or about March 15, 2019, in the Eastern  
District of Pennsylvania, defendant

**KYLE PAINE**

used a means and facility of interstate and foreign commerce, that is, the Internet, to knowingly  
persuade, induce, entice, and coerce a minor to engage in sexual activity for which any person  
could be charged with a criminal offense, that is, rape of a child, in violation of Title 18,  
Pa.C.S.A. § 3121(c), involuntary deviate sexual intercourse with a child, in violation of Title 18,

Pa.C.S.A. § 3123(b), and the manufacturing of child pornography, in violation of Title 18, United States Code, Section 2251(a), and attempted to do so.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 11, 2019, in the Eastern District of Pennsylvania, defendant

**KYLE PAIN**

used a means or facility of interstate commerce, that is, the Internet, to knowingly transfer obscene matter to a minor who had not attained the age of 16 years, and the defendant knew that the minor was under the age of 16 years at the time that he transferred the obscene matter, and attempted to do so.

In violation of Title 18, United States Code, Section 1470.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 7, 2019, in the Eastern District of Pennsylvania, and elsewhere, defendant

**KYLE PAINÉ**

knowingly possessed matter, that is, a Samsung S9 cell phone, bearing international mobile equipment identity (IMEI) 355027090048202, which contained visual depictions that had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of minors engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 2422(b), 1470 and 2252(a)(4)(B), as set forth in this indictment, defendant

**KYLE PAIN**

shall forfeit to the United States of America:

(a) any visual depiction, or any film, videotape, or other matter which contains any child pornography, which was produced, transported, mailed, shipped, or received as a result of such violations as charged in the indictment;

(b) any property, real or personal, constituting or derived from any proceeds obtained directly or indirectly from such violations, pursuant to 18 U.S.C. § 2422(b); and

(c) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such violations, including, but not limited to:

(1) One Samsung S9 cell phone, bearing international mobile equipment identity (IMEI) 355027090048202; and

(2) One Samsung S8 cell phone, bearing international mobile equipment identity (IMEI) 357755080257429.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Sections 2428 and 2253, to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 2428 and 2253.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

*Dennis Wolf Jr.*  
**WILLIAM M. McSWAIN**  
**United States Attorney**